

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claim 3 and the addition of new claims 7 to 17, claim 1, 2 and 4 to 17 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statements, PTO-1449 papers and cited references.

### **II. Objection to the Specification**

As regards the objection to the Specification, the Examiner will note that the Title has been amended herein as suggested. No new matter has been added. In view of the foregoing, withdrawal of this objection is respectfully requested.

### **III. Allowable Subject Matter**

Applicant notes with appreciation the indication of allowable subject matter included in claim 3. In this regard, the Examiner will note that claim 1 has been amended herein without prejudice to include the features included in claim 3 and that claim 3 has been canceled herein without prejudice. Accordingly, it is respectfully submitted that claim 1, as well as claims 2 and 4 to 6, which depend from claim 1, are in condition for immediate allowance.

### **IV. Rejections of Claims 1, 2 and 4 to 6 Under 35 U.S.C. § 102(b)**

Claims 1, 2 and 4 to 6 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,381,015 ("Sonehara"). It is respectfully submitted that Sonehara does not anticipate the present claims as amended herein for at least the following reasons.

As indicate above, claim 1 has been amended herein without prejudice to include all of the features included in claim 3, which was indicated to include

allowable subject matter, and claims 2 and 4 to 6 depend from claim 1. As such, it is respectfully submitted that the present rejection is moot, and withdrawal of this rejection is respectfully requested.

**V. New Claims 7 to 17**

New claims 7 to 17 have been added herein. It is respectfully submitted that new claims 7 to 17 add no new matter and are fully supported by the present application, including the Specification.

New claims 7 to 11 ultimately depend from claim 1 and therefore include all of the features included in claim 1. It is respectfully submitted that new claims 7 to 11 are patentable over the reference relied upon for at least the same reasons more fully set forth above in support of the patentability of claim 1.

New independent claim 12 relates to an interferometric measuring device for measuring a surface of an object by depth scanning. Claim 12 recites, inter alia, that the device includes an active optical element arranged in an object beam path or a reference beam path, that the interferometric measuring device is arranged as a white-light interferometer and that for depth scanning an optical length of the object light path is changeable relative to an optical length of the reference light path without mechanically moving parts. It is respectfully submitted that claim 12, as well as claims 13 to 17, which depend from claim 12, are patentable over the reference relied upon for at least the reason that Sonehara does disclose, or even suggest, at least the foregoing features of claim 12.

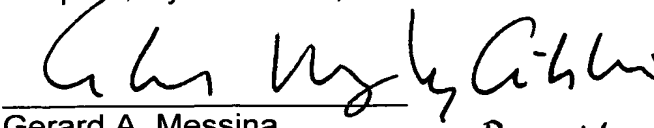
**VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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